

PROFFER STATEMENT**October 22, 2014****RZ/FDP 2014 – SP-005
Christopher Land, LLC**

Pursuant to Section 15.2-2303(A), Code of Virginia, 1950 as amended, the undersigned Owner/Applicant, in this rezoning proffers that the development of the parcel under consideration and shown on the Fairfax County Tax Map as Tax Map Reference 98-1 ((1)) 44 (hereinafter referred to as the "Property") will be in accordance with the following conditions (the "Proffered Conditions"), if and only if, said rezoning request for the PDH-2 Zoning District is granted. In the event said rezoning request is denied, these Proffered Conditions shall be null and void. The Owner/Applicant, for themselves, their successors and assigns hereby agree that these Proffered Conditions shall be binding on the future development of the Property unless modified, waived or rescinded in the future by the Board of Supervisors of Fairfax County, Virginia, in accordance with applicable County and State statutory procedures. The Proffered Conditions are:

I. GENERAL

1. Substantial Conformance. Subject to the provisions of Article 16 of the Fairfax County Zoning Ordinance (hereinafter referred to as the "Zoning Ordinance"), development of the Property shall be in substantial conformance with the Conceptual Development Plan/Final Development Plan (CDP/FDP) titled "Corbett Manor" prepared by Charles P. Johnson & Associates, Inc. consisting of 14 sheets, dated February 10, 2014 and revised October 22, 2014.
2. Minor Modifications. Minor modifications from what is shown on the CDP/FDP and these Proffers, which may become occasioned as a part of final architectural and/or engineering design, may be permitted as determined by the Zoning Administrator in accordance with the provisions set forth in Section 16-403 of the Zoning Ordinance. Additionally, except as may be further qualified by these proffered conditions, minor modifications to the building envelopes including footprints, lot areas, dimensions, utility layouts and house location may be permitted in accordance with Section 16-403 of the Zoning Ordinance as long as such changes do not materially decrease the amount of open space, the building setbacks are not violated on the CDP/FDP's typical lot layout, the limits of clearing and grading are adhered to on the perimeter of the property, access is maintained to pedestrian and vehicular travel ways, and the EQC is not encroached upon other where noted.
3. Architectural Design. The building elevations prepared by Devereaux & Associates, P.C., shown on Sheet 5 of the CDP/FDP, shall generally conform to

the character and quality of these illustrative elevations, but the Applicant reserves the right to modify these elevations and revise architectural ornamentation based on final architectural design.

The building materials shall vary and may be a combination of brick, stone, and if siding, cementitious siding on the fronts and vinyl siding on the sides and rears, supplemented with trim and detail features. Dwellings shall incorporate a brick or stone water table on all facades visible from public or private streets. The retaining/seat walls in the project shall incorporate materials of the dwellings.

4. Universal Design. Dwelling units shall offer optional features designed with a selection of Universal Design features as determined by the Applicant which may include, but not be limited to, grab bars in the bathrooms, a seat in the Master Bath shower where possible, emphasis on lighting in stairs and entrances, lever door hardware, slip resistant flooring, optional hand-held shower heads at tubs and showers, and optional front-loading washers and dryers.

II. RECREATION FACILITIES

5. On-Site Recreation Facilities. Pursuant to Sect. 16-404 of the Zoning Ordinance regarding developed recreational facilities, the Applicant shall provide recreational facilities to serve the property as shown on the CDP/FDP. Per Sect. 16-404, recreational facilities such as, trails and sitting areas, seat walls and similar features may be used to fulfill this requirement. The siting and installation of such features shall not interfere with tree save areas. At the time of the issuance of the first Residential Use Permit, the Applicant shall demonstrate that the value of any proposed recreational amenities is equivalent to a minimum of \$1,700 per dwelling unit for the seven (7) new homes to be built on the site. In the event it is demonstrated that the proposed facilities do not have sufficient value the Applicant shall contribute funds in the amount needed to achieve the overall required amount of \$1,700 per unit for the seven new (7) homes to be built on the Property for off-site recreational facilities intended to serve the future residents, as determined by FCPA in consultation with the Supervisor for the Springfield District.

III. SCHOOLS

6. Contribution. Prior to the issuance of the first building permit, a contribution of \$21,650 shall be made to Fairfax County transferred to the Fairfax County School Board to be utilized for capital improvements or capacity enhancements to schools within the pyramid which serves the Property. Following approval of this Application and prior to the Applicant's payment of the amount set forth in this Proffer, if Fairfax County should increase the ratio of students per unit or the amount of contribution per student, the Applicant shall increase the amount of the

contribution for that phase of development to reflect the then-current ratio, notwithstanding the amount of increase shall not exceed Five Percent (5%) of the original amount.

IV. ESCALATION

7. Escalation. All monetary contributions required by these proffers, with the exception of the Schools Contribution, shall be adjusted upward or downward based on the percentage change in the annual rate of inflation with a base year of 2015, and change effective each January 1 thereafter, as calculated by referring to the Consumer Price Index for all urban customers (CPI-U), (not seasonally adjusted) as reported by the United States Department of Labor, Bureau of Labor Statistics occurring subsequent to the date of final site plan approval and up to the date of payment. In no event shall an adjustment increase exceed the annual rate of inflation as calculated by the CPI-U.

V. CONSTRUCTION HOURS

8. Construction Hours. Construction shall occur between the hours of 7:00 a.m. until 7:00 p.m. Monday through Friday, 9:00 a.m. until 6:00 p.m. on Saturday and Sunday. Construction activities shall not occur on the holidays of New Year's Day, Easter, Memorial Day, Independence Day, Labor Day, Thanksgiving, and Christmas. The construction hours shall be posted on the property. The allowable hours of construction as specified in this proffer shall be listed within any contract with future sub-contractors associated with construction on the site. Construction hours do not apply to any work related to VDOT.

VI. SEPTIC TANK / WELL ABANDONMENT

9. Abandonment. The existing septic tank and well shall be properly abandoned as required by the Fairfax County Health Department prior to the approval and issuance of the demolition permit for the existing single family detached residential unit.

VII. ENERGY CONSERVATION

10. Energy Conservation. The dwelling units shall be constructed to achieve one of the following:
 - A. Certification in accordance with the 2012 National Green Building Standard (NGBS) using the ENERGY STAR® (version 3.0) Qualified Homes path for energy performance, as demonstrated through a preliminary report submitted to the Environment and Development review Branch of the Department of

Planning and Zoning (DPZ) prior to the issuance of the Residential Use Permit (RUP) for each dwelling from a home energy rater certified through the Home Innovation Research Labs that demonstrates that each dwelling unit has attained the certification and the final report submitted to DPZ within Thirty (30) Days after the issuance of the RUP of each dwelling ; or

- B. Certification in accordance with the Earth Craft House Program, as demonstrated through documentation provided to DPWES and DPZ prior to the issuance of the RUP for each dwelling.

VIII. GARAGE CONVERSION

11. Garage Conversion. Any conversion of garages that will preclude the parking of vehicles within the garage shall be prohibited. A covenant setting forth this restriction shall be recorded among the land records of Fairfax County in a form approved by the County Attorney prior to the sale of any lots and shall run to the benefit of the HOA and the Board of Supervisors. This restriction shall also be disclosed in the HOA documents. Prospective purchasers shall be advised of this use restriction, in writing, prior to entering into a contract of sale. The driveway provided for each unit shall be a minimum of seventeen (17) feet in width and twenty (20) feet in length from the garage door to the sidewalk. Garages shall be designed to accommodate two (2) vehicles.

IX. HOME OWNERS ASSOCIATION

12. Establishment of HOA. Prior to record plat approval, the Applicant shall establish a Homeowners Association (HOA) in accordance with Sect. 2-700 of the Zoning Ordinance for the purpose of, among other things, establishing the necessary residential covenants governing the design and operation of the approved development and to provide a mechanism for ensuring the ability to complete the maintenance obligations and other provisions noted in these proffer conditions.
13. Dedication to HOA. At the time of subdivision plat recordation, open space, common areas, private streets, fencing, and amenities not otherwise conveyed or dedicated to the County shall be dedicated to the HOA and maintained by the same. The HOA reserves the right to grant easements for any purpose on the common areas as the HOA deems necessary, provided that any easements are consistent with the CDP/FDP.
14. Best Management Practice ("BMP") Maintenance. After establishing the HOA, the Applicant shall provide the HOA with written materials describing proper maintenance of the approved BMP facilities.

15. Disclosure. Prior to entering into a contract of sale, prospective purchasers shall be notified in writing by the Applicant of the maintenance responsibility for the storm water management facilities, common area landscaping, and any other open space amenities and shall acknowledge receipt of this information in writing. The homeowner association covenants shall contain clear language delineating the tree save areas as shown on the CDP/FDP. The covenants shall prohibit the removal of the trees except those trees which are dead, diseased, noxious or hazardous as determined by UFMD and shall outline the maintenance responsibility of the homeowners association and individual homeowners. The initial deeds of conveyance and HOA governing documents shall expressly contain these disclosures. The HOA documents shall stipulate that a reserve fund to be held by the HOA be established for the maintenance of common facilities and areas. The Applicant shall be responsible for placing the sum of \$7,000 in such reserve fund prior to the issuance of the first Residential Use Permit (the "RUP") for the proposed single family dwelling units.

X. STORMWATER MANAGEMENT

16. Stormwater Management. Subject to review and approval by DPWES, stormwater management ("SWM") and Best Management Practice ("BMP") measures for the Property shall be provided through the use of infiltration trenches and shall be developed in accordance with the PFM, unless waived or modified by DPWES. The stormwater management system shall be reviewed for adequacy by DPWES at the time of site plan review; if any inadequacies are identified, appropriate corrective measures in substantial conformance with the CDP/FDP shall be employed to the satisfaction of DPWES, prior to final site plan approval.
17. Access Easement. The applicant shall grant to Fairfax County a public access easement to the Resource Protection Area ("RPA") in a form satisfactory to the County Attorney for any future work to be performed by Fairfax County in accordance with the provisions of the Chesapeake Bay Preservation Ordinance, for RPA restoration.

XI. LANDSCAPING

18. Landscape Plan: As part of the site plan submission, the Applicant shall submit to UFMD for review and approval a detailed landscape and tree cover plan which shall, at a minimum, be generally consistent with the quality and quantity of plantings and materials shown on the FDP. The landscape plan shall be designed to ensure adequate planting space for all trees based on the requirements in the Public Facilities Manual ("PFM"). Plantings shall include only non-invasive species and, to the extent practical, plant species native to Fairfax County. Adjustments to the type and location of vegetation and the design of landscaped

areas and streetscape improvements/plantings shall be permitted as approved by UFMD.

XII. TREE PRESERVATION

19. Tree Preservation Plan. The applicant shall submit a Tree Preservation Plan and Narrative as part of the first and all subsequent subdivision plan submissions. The preservation plan and narrative shall be prepared by a Certified Arborist or a Registered Consulting Arborist, and shall be subject to the review and approval of UFMD.

The tree preservation plan shall include a tree inventory that identifies the location, species, critical root zone, size, crown spread and condition analysis percentage rating for individual trees to be preserved, on and off-site trees, living or dead with trunks 12 inches in diameter and greater (measured at 4 ½ feet from the base of the trunk or as otherwise allowed in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture), located 25 feet outside the limits of clearing and grading and 10 feet inside of the limits of clearing and grading. The tree preservation plan and narrative shall include all applicable items specified in PFM 12-0506 and 12-0508. Specific tree preservation activities designed to maximize the survivability of any tree identified to be preserved, such as crown pruning, root pruning, mulching, fertilization, and others as necessary, shall be included in the plan.

20. Tree Preservation Walk-Through. The applicant shall have the limits of clearing and grading marked with a continuous line of flagging prior to the walk-through meeting. During the tree preservation walk-through meeting, the Applicant's appointed representative, a Certified Arborist (the Project Arborist), shall walk the limits of clearing a grading with a UFMD representative to determine where adjustments to the clearing limits can be made to increase the area of tree preservation and/or to increase the survivability of trees at the edge of the limits of clearing and grading, and such adjustment shall be implemented.

Trees that are identified as dead or dying within the tree preservation area may be removed as part of the clearing operation. Any tree that is so designated shall be removed using a chain saw and such removal shall be accomplished in a manner that avoids damage to surrounding trees and associated understory vegetation. If a stump must be removed, this shall be done using a stump-grinding machine in a manner causing as little disturbance as possible to adjacent trees and associated understory vegetation and soil conditions.

21. Limits of Clearing and Grading. The Applicant shall conform strictly to the limits of clearing and grading as shown on the CDP/FDP, subject to allowances specified in these development conditions and for the installation of utilities

and/or trails as determined necessary by the Director of DPWES, as described herein. If it is determined necessary to install utilities and/or trails in areas protected by the limits of clearing and grading as shown on the CDP/FDP, they shall be located in the least disruptive manner necessary as determined by UFMD. A replanting plan shall be developed and implemented, subject to approval by UFMD for any area protected by the limits of clearing and grading that must be disturbed for such utilities.

22. Tree Preservation Fencing. All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fencing. Tree protection fencing in the form of four (4) foot high, fourteen (14) gauge welded wire attached to six (6) foot tall steel posts driven eighteen (18) inches into the ground and placed no further than ten (10) feet apart or, super silt fence to the extent that required trenching for super silt fence does not sever or wound compression roots which can lead to structural failure and/or uprooting of trees shall be erected at the limits of clearing and grading as shown on the demolition, and Phase I & II erosion and sediment control sheets, as may be modified by the "Root Pruning" proffer below.

All tree protection fencing shall be installed after the tree preservation walk-through meeting but prior to any clearing and grading activities, including the demolition of any existing structures. Root pruning and the installation of all tree protection fencing shall be performed under the supervision of the Project Arborist, and accomplished in a manner that does not harm existing vegetation that is to be preserved. Three (3) days prior to the commencement of any clearing, grading or demolition activities, but subsequent to the installation of the tree protection devices, UFMD shall be notified and given the opportunity to inspect the site to ensure that all tree protection devices have been correctly installed. No grading or construction activities shall occur until the fencing is installed correctly, as determined by UFMD.

23. Root Pruning. The Applicant shall root prune as needed to comply with the tree preservation requirements below. All treatments shall be clearly identified, labeled, and detailed on the erosion and sediment control sheets of the subdivision plan submission. The details for these treatments shall be reviewed and approved by UFMD accomplished in a manner that protects affected and adjacent vegetation to be preserved, and may include, but not be limited to the following:

- Root pruning shall be done with a trencher or vibratory plow to a minimum depth of 18 inches.
- Root pruning shall take place prior to any clearing and grading, or demolition of structures.
- An UFMD representative shall be informed when all root pruning and tree protection fence installation is complete.

24. Monitoring. During any clearing or tree/vegetation/structure removal on the Applicant's Property, a representative of the Applicant shall be present to monitor the process and ensure that the activities are conducted as proffered and as approved by UFMD. The Project Arborist shall be present on site and monitor clearing and demolition work during Phase I Erosion and Sediment (E&S) Control Plan implementation. Subsequent to approval of Phase I E&S implementation, the Project Arborist shall visit the site on a weekly basis to ensure conformance with all tree preservation proffers, and UFMD approvals. During the implementation of Phase II Erosion and Sediment Control and throughout the construction phase of the project, monitoring visits to the site shall be made at least monthly. The monitoring schedule shall be described and detailed in the Landscaping and Tree Preservation Plan, and reviewed and approved by UFMD.
25. Mulching. The Applicant shall mulch to a depth of three to four (3-4) inches within the areas to be left undisturbed within 25' of the limits of clearing and grading where soil conditions are poor, lacking leaf litter, or prone to soil erosion. Areas to be mulched shall be clearly identified on the Tree Preservation Plan. All areas where mulch is proposed shall be clearly specified, labeled, and detailed on the erosion and sediment control sheets of the subdivision plan submission. The details for these treatments shall be included in the Tree Preservation Plan and shall be subject to the review and approval of UFMD.

All areas to be mulched shall be accessed in a manner that protects adjacent trees and vegetation that are required to be preserved. Access and the application of mulch shall conform to the following specifications:

- Mulch may be placed within tree preservation areas at points designated by the Project Arborist to minimize impacts to existing vegetation.
- Motorized equipment may be used to reach over tree protection fence to place mulch at designated points.
- Mulch shall be spread **by hand** within tree preservation areas.
- Mulch shall consist of wood chips or pine bark mulch. Hay or straw mulch shall not be used within tree preservation areas.

26. Tree Protection Signage. The Applicant shall provide signs that identify and help protect all areas to be left undisturbed. These signs will be highly visible, posted at 50-foot intervals along the limits of clearing and grading, and attached to the tree protection fencing throughout the duration of construction. Under no circumstances will the signs be nailed or in any manner attached to the trees or vegetation within the areas to be left undisturbed.
27. Tree Value Determination. The Applicant shall contract a Certified Arborist to determine the monetary value of each tree (herein, the "Tree Value") 12 inches in diameter and larger shown to be preserved in the tree inventory. Tree Value shall be determined using the Trunk Formula Method contained in the 9th Edition of the Guide for Plant Appraisal, published by the International Society of

Arboriculture, and shall be subject to approval by UFMD with review and approval of the subdivision plan. The Location Factor of the Trunk Formula Method shall be based on projected post-development Contribution and Placements ratings. The Site rating component shall be equal to at least 80%.

28. Forest Restoration Plan: A forest restoration plan, for the area designated on the CDP/FDP, shall be submitted concurrently with the Subdivision plan for review and approval by UFMD, and shall be implemented as approved. The plan shall provide for overstory tree, understory tree, and shrub seedling plantings and groundcover seed mixture plantings that include an appropriate selection of native species, based on existing and proposed site conditions, and soil amendments to restore the area to a healthy native forest cover type and to intercept stormwater sheet flow from the proposed impervious surfaces. The reforestation plan shall include, but not be limited to the following:

- Plant list detailing species, sizes, and stock type of trees and other vegetation and seed mixtures, to be planted;
- Soil treatments and amendments, to include deep soil ripping or tillage outside of the critical root zones of trees to be preserved;
- Methods to reduce deer browse;
- Methods to reduce weed competition;
- Mulching specifications;
- Details and methods of installation;
- Maintenance activities (such as weeding and watering);
- Mortality threshold; and
- Monitoring and replacement schedule.

Restoration Area: The density for the seedlings shall be: overstory trees shall be a minimum of 100 trees per acre; understory trees shall be a minimum of 200 trees per acre; and shrubs shall be a minimum of 1089 plants per acre. Plant materials shall be randomly placed to achieve a relatively even spacing throughout the buffer. Plants shall be native to the degree practical and adaptable to site conditions. Plant materials and planting techniques shall be as specified in the Public Facilities Manual.

Fringe Plantings: In addition to the reforestation with seedlings and seed mixtures, a minimum of 10 overstory and 10 understory deciduous trees having a minimum one-inch caliper and 20 shrubs with a container size of three gallons shall be provided as a fringe planting adjacent to the rear lot lines of Lots 4 through 7 as generally shown on Sheet 13 of the CDP/FDP.

All plants shall be field located in coordination with UFMD to maximize survival potential and minimize impacts to existing vegetation designated for preservation.

Seeding: The native seed mix for this project must be obtained from Ernst Conservation Seeds of Meadville, Pennsylvania or a Fairfax County approved alternate vendor. Bag tags that show what seed was used must be provided to UFMD.

Mulching shall not occur in areas to be seeded, as it suppresses herbaceous seed germination and growth. Mulch shall be certified as weed free and may be produced on-site from trees to be removed.

Exhibit A provides a list of tree and shrub species and various specifications that may be considered for the plantings.

29. Homeowner's Association (HOA): As a permittee that will convey ownership of forested areas in common open space to the Homeowner's Association, the Applicant shall, at the time the HOA takes over management of common open space, convey to the HOA any long-term tree and forested area management information that was prepared to satisfy tree conservation plan requirements of the subdivision plan. Information shall include data collected for the Tree Inventory, updated to note completion of tree preservation activities required by the Tree Preservation Plan approved with the subdivision plan and any additional work performed for preservation and/or maintenance of trees located in common open space. Transfer of tree and forested area management information shall be verified with an acknowledgement of a receipt signed by HOA President prior to bond release.
30. Property Boundary Delineation: Where private lots share boundaries with common open space where trees have been preserved, the Applicant shall mark all private rear lot corners with a 4" by 4" solid concrete monument with an aluminum cap above grade so that the property lines of private lots adjacent to forested common open space can be clearly and accurately delineated on the site. The aluminum cap shall bear the initials HOA to clearly identify the boundary of the private lot and the common open space. The location of markers delineating common open space shall be shown on the subdivision plan and individual lot grading plans.

XIII TRANSPORTATION

31. Right-of-Way Dedication. As a part of subdivision plan approval or upon demand by Fairfax County or the Virginia Department of Transportation ("VDOT"), whichever occurs first, the Applicant shall dedicate and convey, without encumbrances and in fee simple, to the Board of Supervisors, right-of-way along Gambrill Road (Rt. 640), such that the half-section, as measured from the centerline, shall equal 45 feet. The ROW dedication shall be provided as generally shown on the CDP/FDP, subject to approval of VDOT and DPWES.

32. Gambrill Road Improvements. The applicant shall provide roadway improvements generally as shown on the CDP/FDP, subject to review and approval by VDOT, including approval of any modifications and waivers, including provision of turn lanes/transitions, lane widths, roadway striping, curb and gutter, as generally illustrated on Sheet 14 of the CDP/FDP labeled "Gambrill Road Improvements," prior to the issuance of the first RUP.
33. Grading. The Applicant shall grade the existing roadway, and proposed right-of-way improvements to enable clear sight distance visibility for drivers entering and exiting the proposed new subdivision, to meet VDOT standards as approved by VDOT.
34. Secondary Street Acceptance Requirement. Prior to Subdivision plan approval, and if required by VDOT, the Applicant shall file a Secondary Street Acceptance Requirement waiver subject to review and approval by VDOT for the proposed internal public street.
35. Public Street. At the time of Record Plat approval, the Applicant shall dedicate and convey an internal public street, without encumbrances and in fee simple, to the Board of Supervisors. The Applicant shall construct this public street with a 49-foot wide ROW, generally as shown on the CDP/FDP.
36. Sidewalk. Prior to bond release, the Applicant shall provide a 5-foot wide concrete sidewalk along the subject property's Gambrill Road (Rt. 640) frontage, generally as shown on the CDP/FDP. The applicant reserves the right to terminate the sidewalk prior to the southern property boundary as shown on the CDP/FDP to avoid the relocation of an overhead electric line and guy-wires. In the event that the applicant does not complete the construction of the sidewalk to the southern property boundary, the applicant shall escrow funds prior to Bond release sufficient to complete the construction of the extension of the sidewalk to the southern property line. The sidewalk on the northern side of subdivision road shall not be constructed as part of this subdivision and the applicant shall escrow funds prior to Bond Release to construct the Sidewalk from the northern side of the road to the property line.
37. Maintenance Access. The applicant shall provide a maintenance access to the stormwater management facility generally as shown on the CDP/FDP.

XIV. ARCHAEOLOGICAL STUDY

38. Archaeological Review. At least 30 days prior to any land disturbing activities on the Property, the Applicant shall conduct a Phase I archaeological survey on the area to be disturbed and provide the results of such study to the Cultural Resources Management and Protection Section of the Fairfax County Park Authority ("CRMP") for review and approval. The survey shall be conducted by a qualified archaeological professional approved by CRMP. No land disturbance activities shall be conducted

until this survey is submitted to CRMP. If the Phase I survey concludes that additional Phase II archaeological testing of the area to be disturbed is warranted, the Applicant shall complete said testing and provide the results to CRMP. If the Phase II survey concludes that additional Phase III evaluation and/or recovery is warranted, the Applicant shall also complete said work in consultation and coordination with CRMP, however that process shall not be a precondition of subdivision plan approval but rather shall be carried out in conjunction with site construction. Within 30 days of the completion of any cultural resource studies, the applicant shall provide a copy of archaeology reports, field notes, photographs, and artifacts to the Fairfax County Park Authority CRMP.

XV. AFFORDABLE HOUSING

39. Housing Trust Fund. At the time the first residential lot is issued a building permit, the Applicant shall contribute the lump sum of twenty-four thousand dollars (\$24,000.00) to either, at its election and in accordance with this proffer, Habitat for Humanity of Northern Virginia (Habitat) or the Fairfax County Housing Trust Fund (HTF). If the Applicant elects to contribute the lump sum to Habitat and not to the HTF, then the Applicant shall not receive a building permit until the Applicant provides to the Department of Housing and Community Development (i) documentation evidencing Habitat's receipt of such lump sum funds; and (ii) a written acknowledgment from Habitat that such lump sum funds must be used on a housing project within Fairfax County, Virginia that serves low and moderate income households.

XVI. SIGNS

40. Signs. Any sign installed by the Applicant shall be in conformance with Article 12 of the Zoning Ordinance.

XVII. SUCCESSORS AND ASSIGNS

41. Successors and Assigns. These proffers shall bind and inure to the benefit of the Applicant and his/her successors and assigns.

SIGNATURES BEGIN ON THE FOLLOWING PAGE

APPLICANT/CONTRACT PURCHASER OF TAX MAP
98-1 ((1)) 44

CHRISTOPHER LAND, LLC

By: E. John Regan, Jr.
Its: Member

TITLE OWNER OF TAX MAP
98-1 ((1)) 44

By: The Heirs of Melvin Lee Young
Ralph L. Young, Executor

October 22, 2014

EXHIBIT A

1. Soil Preparation

- The primary goals of the forest restoration plan are to intercept sheet flow, promote infiltration, reduce runoff to the RPA, and restore the area to a healthy native forest cover type.
- Soil compaction is a significant impediment to water infiltration and plant growth, to include woody plants. Soil ripping or deep tillage will relieve soil compaction, allow water to infiltrate, prevent concentrated runoff and erosion, and aid plant growth and health.
- Open planting areas in the restoration area outside of tree root zones shall be prepared using soil ripping or deep tillage parallel to the contours (perpendicular to the slope) to a depth of 18 to 24 inches. After deep tillage/soil ripping, the planting area will be prepared by:
 - Tilling three inches of Soilmate or equivalent leaf compost into the upper six inches of soil; or
 - Multiple disk treatments of the planting area from different directions to prepare for seeding.

2. Seeding

- After soil preparation the applicant shall install a native seed mix with a cover crop appropriate for wooded areas.
- Seeding should be performed from August through April to imitate natural reseeding. Seeding should be avoided from May through July.
- The native seed mix shall be seeded at a rate of 0.5 pounds/1,000 square feet (about 20 lbs/acre) with a cover crop of annual rye (*Lolium multiflorum*) at 1.5 lbs/1,000 square feet.
- For broadcast application, in which seeds are spread uniformly across a broad area, the native seed mix shall be mixed with weed-free compost (Soilmate or equivalent). Native seed mix may also be drilled or shot by an operator who knows how to apply native seed mix and has the proper equipment (e.g., a Truax type seed drill intended for native seed mixes).
- Following application of the native seed mix, the contractor shall immediately overseed (note that hydroseeding with fiber mulch may be best on steep slopes, and coir or straw mats shall be used in steep slope areas) with annual rye (*Lolium multiflorum*) at a rate of 60 pounds per acre (about 1.5 lbs/1,000 square feet) in order to get coverage and stabilization prior to germination and establishment of native warm season grasses. Winter wheat may be substituted for annual rye if seeding is done after October 1st.
- No matting containing plastic mesh is allowed.
- Seed Mix - Based on the site conditions and habitat value, the applicant shall use the following native seed mix or an alternative as approved by UFMD:
 - *Chasmanthium laxum* - slender wood oats - 5%
 - *Cinna arundinacea* - sweet woodreed - 10%

- *Conoclinium coelestinum* - purple mist flower - 2%
- *Elymus virginicus* - Virginia wild rye - 15%
- *Eupatorium fistulosum* - Joe-Pye weed - 3%
- *Euthamia graminifolia* - grass-leaved goldenrod - 3%
- *Juncus tenuis* - path rush - 5%
- *Panicum clandestinum* - deer tongue - 15%
- *Pycnanthemum incanum* - hoary mountain mint - 2%
- *Rudbeckia hirta* - black-eyed Susan - 2%
- *Schizachyrium scoparium* - little bluestem - 10%
- *Solidago caesia* - zig-zag goldenrod - 3%
- *Sorghastrum nutans* - Indian grass - 10%
- *Symphotrichum pilosum* (*Aster pilosus*) - heath aster - 3%
- *Tridens flavus* - purple top - 10%
- *Vernonia noveboracensis* - New York ironweed - 2%

3. Trees and Shrubs

- Woody plants should be inspected in-leaf to ensure they are in proper health and the correct species are planted. Optimally, they should be planted as they are approaching dormancy or dormant. Planting should occur from late October through March, at times when the ground is not frozen. Autumn planting is optimal.
- Tree protectors may be installed to protect young trees from damage from human actions and deer browse. Three to four-foot tall black mesh tree protectors should be used.
- Trees - Based on the site conditions and habitat value, the applicant shall use a mixture of the following native trees or alternatives as approved by UFMD:
 - *Amelanchier arborea* - serviceberry
 - *Betula nigra* - river birch
 - *Carpinus caroliniana* - ironwood
 - *Carya glabra* - pignut hickory
 - *Carya tomentosa* - mockernut hickory
 - *Cercis canadensis* - redbud
 - *Diospyros virginiana* - persimmon
 - *Ilex opaca* - American holly
 - *Nyssa sylvatica* - blackgum
 - *Quercus alba* - white oak
 - *Quercus phellos* - willow oak
 - *Quercus rubra* - red oak
- Shrubs - Based on the site conditions and habitat value, the applicant shall use a mixture of the following native shrubs or alternatives as approved by UFMD:
 - *Corylus americana* - American hazelnut
 - *Gaylussacia baccata* - black huckleberry
 - *Lindera benzoin* - spicebush
 - *Vaccinium fuscum* - black highbush blueberry
 - *Vaccinium pallidum* - early lowbush blueberry
 - *Viburnum acerifolium* - mapleleaf viburnum
 - *Viburnum prunifolium* - blackhaw